SLAVERY QUESTION.

SPEECH

OF

HON. JAMES WILSON,

OF INDIANA.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MAY 1, 1860.

The House being in the Committee of the Whole on the state of the Union—
Mr, WILSON said:

Mr. CHAIRMAN: My first duty is to return my thanks to the gentleman from Alabama, [Mr. CURRY.] It will be remembered that early in the session that honorable gentleman saw proper, in an able and ingenious speech, to acquit the Republican party of all complicity with any illegal invasion or insurrection whatever. Sir, it is for this I thank him. It was generous; but still not more generous than just. It is gratifying, in these times of crimination and recrimination, of excitement and clamor, to see any gentleman rising above his prejudices, to perform an act of simple justice to a great party. I thank him also for the clear, explicit, manly, declaration of his principles. It was direct, tangible, and straightforward.

Now, sir, impressed with his example, I wish, so far as I possess the power, to declare what I conceive to be my duty under all my obligations to the Constitution and the Union. With invasion, with insurrection, and with unlawful conspiracies, whether directed against the Commonwealth of Virginia or the Territory of Kansas, I have no sympathy whatever. Ours is a union of States, not discordant and belligerent, but a peaceful, fraternal union of American States. Vital in every part, that which wrongfully affects the smallest State disturbs the whole harmony of the political system. Whatever evils may exist, an armed invasion of a State is a still greater evil. Whatever wrongs may be supported and perpetuated, insurrection—servile insurrection—is still more deplorable. I therefore, not reluctantly, but as a cheerful duty, denounce every act which would weaken or sever the American Union. And I do this the more cheerfully, because I speak in part for a State not unmindful of her deep obligations to Virginia for the rich blessings of freedom which she possesses, and will continue to preserve inviolate as her honor and her existence. Sir, the blow that struck Virginia fell heavily upon the heart of every State in the Union. But Virginia has vindicated her honor and her sovereignty. With that vindication let her rest content. Secure of the past, with her proud revolutionary memories, with her long line of illustrious statesmen—her Washington and Jefferson and Madison and Henry and Marshall—who have shed undying luster on her name and the American name—let Virginia, the mother of States, look forward into the future—

> "Glorying in the immortals of her race,
> Throw round her hundred sons her proud embrace."

Mr. Chairman, the debates, both before and since the organization of the House, have been of an extraordinary character. They have disclosed some great truths. Not the least is, that this Administration is weak, distracted, impotent, and rapidly progressing to its final overthrow and dissolution. And again, that, in the transition of power from one party to another, violence of expression and of action is to be expected. Neither individuals nor parties will relinquish power without a struggle; and the resistance is more determined and persistent when its loss appears most inevitable. It is natural. History is crowded with such examples. No one, then, should be surprised at much we have seen and much that we have heard during the present session. They have disclosed another and significant fact: that there are individuals and States which, in certain contingencies, would resist the action of the people, expressed in pursuance and according to the forms of the Constitution. This is a dangerous doc-

time—it is revolution. But while such a spirit is to be deprecated and regretted, it is not either to be feared or avoided. It should not, and I know will not, deter any one in the conscientious discharge of his duty. And more, I feel confident that this Government will be equal to any emergency, and will protect and maintain its integrity at any cost. When it fails, when it becomes unequal to the task, then its preservation and continuance will be desirable no longer. It then is important to inquire what is the cause of the sectional strife which now so unhappily agitates the country. It is equally important to know where the responsibility shall rest. The cause is apparent. It is a broad, radical, and irreconcilable difference of opinion between the existing parties upon the question of slavery.

Whether this difference of opinion will justify the South in the extreme position which she has assumed, and the consequences which she threatens, is, I think, very doubtful. Whether it is the way by which to obtain the confidence of the people of the United States, time will fully determine. Out of this difference have grown innumerable charges against the people of the free States—not the least of which is the charge of sectionalism. I do not understand the charge. Sections and countersections!—I do not acknowledge the distinction. What have we to do with sections? How can we legislate for sections? We act for the general welfare; we legislate for the whole country! I repudiate the doctrine that it is my duty to legislate simply for the interest of my own State, or that I owe to her my first and last allegiance. I owe allegiance to all the States; I owe allegiance to the Union. But whenever I can advance the interests of my own State, without detriment to other States, then it is my duty so to act; otherwise, not. This is my doctrine; this is the true constitutional doctrine. How, then, stands the slavery question? How can those opposed to slavery control the Government? Never, until they obtain possession of all the departments of Government. Then opposition to the extension of slavery ceases to be a sectional question. Then it becomes the voice of the majority. Then it is the general welfare. Then it should prevail. It will not do to say that the restriction of slavery within its presents limits will militate against the interest of the slaveholding States, and that therefore we shall not legislate against its extension. That will not do. The fact that a particular interest will be materially injured may be a matter of regret, but never a cause for the abandonment of principle or true policy; never. The general public welfare is of far greater consideration than any peculiar interest of any State or States. The general welfare is the test of all political questions. How shall that general welfare be ascertained? The way is plain. There is one common ground for all the States, and there is no other. I want no other. It is the Constitution. Whatever it declares, I am willing to abide by, and maintain its guarantees. Beyond this, no State can or ought to demand.

What, then, are the peculiar rights of the slaveholding States under the Constitution? Their enumeration is not difficult, nor are they involved in great doubt. I shall speak of them as admitted. What are they? They are these: the right of the people of the slave States to hold their slaves as property, independent of the Federal Government; the right of representation based upon their slaves in the ratio fixed by the Constitution; the right to reclaim their fugitive slaves held to service by the laws of the several slave States. These are the peculiar constitutional rights of the South.—These are all; and I concede them all. I can find no more. There are no more.

Now, sir, I wish to speak of these peculiar rights in reference to the accusation, so frequently and so unjustifiably made against the people of the free States, of their violation.

30735

The gentleman from Alabama [Mr. CURRY] and the gentleman from South Carolina [Mr. BOYCE] have been pleased to absolve the Republican party of all immediate intention to attack and overthrow these rights. In their opinion, the danger is beyond—yet to come; and when it does come, it will be uncontrolable, and will overwhelm us of the Republican party who now stand where we do, and all others, in one common ruin; that the present feeling will be followed by a more angry and intensified feeling; that this which we now see is but the advancing wave, to be followed by angrier waves from the ocean of public opinion that will overwhelm all within their reach. I cannot agree with the gentlemen. I see no cause for such apprehension. It is groundless. I have spoken of the peculiar rights of the South. They are peculiar. No other Government on earth has such rights. One of these is the right to hold slaves as property in the several States where slavery exists. Now to the fact. I say here, and it is true—the whole history of the country sustains the assertion—that, from the first hour of our national existence until now, through eighty years, there has not been one step in advance on this question, or in subversion of this right. It is as complete and intact now as at any other time. It is as perfect now as the day the Government was formed. Do you ask for the evidence? Sir, when the first Congress was convened,

under the Constitution, petitions were presented from the State of Pennsylvania, asking that measures might be adopted to secure the abolition of slavery throughout the United States by the General Government. This was in 1787. How were they met? What was the action of that Congress? Did it grant the prayer of the petitioners? Not at all. That Congress declared just what the Republican party believe and maintain this day. They decided and settled forever the relation of the Federal Government to the question of slavery in the States, in the following resolution:

"*Resolved*, That Congress have no authority to interfere in the emancipation of "slaves, or the treatment of them, in any of the States; it remaining with the se-"veral States alone to provide rules and regulations therein which humanity and "true policy may require."

What advance has been made in regard to slavery in the States beyond this since that day? Not a single step—not one. There has been no movement whatever; there is none contemplated now. You deceive yourselves; you deceive your people when you assert otherwise. Is there any petition here to abolish slavery in the States? Is there any assumption of such power by this Congress? Was there in the last Congress, or any preceding Congress? None at all. Has the abolition of slavery been demanded by any State? Has it been urged by any respectable convention of the people? If so, I have failed to discover the fact. Why, then, create imaginary evils? Why assume that there is danger when there is none? Where is the foundation for such apprehension? Is it in the present excitement on the subject of slavery? Why this is not the first excitement on that question. We had the Missouri excitement; we had the California excitement; we had the Kansas excitement. But the country happily survived them all, and it will survive this. In all these struggles, what attempt, or approach to an attempt, was ever made to disturb the institution of slavery in the States? None. Then, I take it for granted that there is no possible danger that either the Federal Government or the people of the free States will interfere with slavery where it legally exists. I consider that a settled question. Besides, it is your concern, not ours. With you is the responsibility, not with us. I am willing, therefore, to leave this question for its final solution where it rightfully belongs—with the people of the slaveholding States.

But to proceed to another peculiar right of the South. I mean the right of representation based upon slave property. If I remember correctly the speech of the honorable gentleman from Virginia [Mr. Payne,] he said that, as the Constitution now stands, the slave States had relinquished a portion of their rights in this respect. I certainly do not think so. I think the gentleman was clearly mistaken. If slaves are property, why should it have additional advantages over all other kinds of property? Why give such property representation at all? Is it not a discrimination in your favor? But it is too late to complain of this provision of the Constitution. Indeed, it is unjust to complain of it. The slave States themselves insisted upon the rule when under the Confederation. Besides, when the question of taxation was considered in the convention, the slave States, without dissent, objected to their slave population being taken into consideration for taxation. It was urged that it would be unjust and oppressive that the slave States should be compelled to bear the weight of taxation upon their slave property, unless all other property in the free States was included. Well, what did the Federal convention do? It adopted precisely the rule under the Confederation. Taxation and representation were made equal. Then, in fact, it was a compromise. Upon the one side as to taxation, and upon the other as to representation. The South received an equivalent satisfactory at the time, and which should be satisfactory now.

What has been the effect of this compromise? Has it worked an injury to the slave States? Certainly not. It is a fact well established that the founders of our Government never contemplated the admission of additional States at the time of the adoption of the Constitution. They never looked beyond the Mississippi. It never entered their conceptions that new States would arise on the Pacific. But where is the limit now—where the boundary? Where will our god Terminus at last erect his altar? Sir, it is not for me to answer. I cannot answer. What other nations remain yet to be despoiled cannot now be foreseen. But in this advance of the Republic, slavery has kept even step. It has increased, and strengthened in its increases, until now it has become an element of power. It gathered strength first in the purchase of Louisiana, then in the purchase of Florida, and lastly in the acquisition of Texas. In all these acquisitions, and the admission of new States, has this right of slave representation ever been denied? Has it been restricted? Has it ever been questioned by the people of the free States? No. They have witnessed the rapid progress of slavery, until it has become vast in its proportions, multitudinous in its numbers, and exacting in its demands. But while they have thus witnessed its growth, they have never endeavored to subvert this peculiar right of the South. Nor do they now so intend.

Another right secured to the South under the Constitution is the rendition of fugitive slaves—in a word, a fugitive slave law. I think, sir, from a calm consideration of the debates in the Federal convention, these conclusions are clearly deducible:

1. That property in slaves was not intended to be recognized in the Constitution by its framers; but simply as property under the laws of the States in which slavery existed.

2. That when a person owing service under the special laws of a State was delivered up, it was not to be at the public expense.

3. That such property, so held under the laws of the several States, was to be reclaimed and surrendered under the same rules of evidence, and with the same restrictions, as other property.

4. That it was the object of the Federal convention to relieve the General Government of all protection and jurisdiction of slavery whatsoever; and yet, at the same time, withholding from the States the power to pass any law which might prevent reclamation.

These are my conclusions. I believe that the relief to be afforded to the owner of a fugitive slave belongs to the States, and not to Congress. This is my conviction. But Congress has assumed the power; cautiously at first, as in 1793; afterwards, boldly and absolutely, as in 1850. Having assumed the power, the only question to be considered is, the character and extent of its legislation. That it should be complete, direct, and effectual, I admit. That it should accomplish its purpose, no one will deny. But while this is admitted, altogether admitted, Congress should be careful in its legislation not to violate other and as important rights and privileges; for it is useless to expect that one right can be preserved and secured and perpetuated by the overthrow of other rights just as sacred. No law which, in its operation, is dangerous to the life—or that which is higher than life—the liberty of any human being, can or will endure. It will go down, and perish before the voice of the people.

But to return. The act of 1793 was not objectionable. Indeed, sir, many of the free States incorporated it in their statutes. That law recognized the proper judicial tribunals, both of the States and the United States. It authorized the production of testimony; it delivered up the fugitive to the claimant, to be by him taken back at his own proper cost; it preserved untouched the writ of *habeas corpus*. I cannot well conceive how any free person could be endangered in his liberty under this act; and at the same time, it was sufficient for the rendition of any fugitive. What more was necessary? What more ought to be required? The slave States, in my opinion, ought to have been content with the act of 1793. But they were not; unfortunately they were not. They demanded and obtained the act of 1850. That the fugitive slave act of 1850 is offensive to the people of the free States, cannot be denied. That they yield to it a reluctant obedience, is true; that it has been resisted, is equally true. I shall enter into no justification of such resistance. The remedy against an unwise or unjust law is not in unlawful resistance. It lies elsewhere. It is in the power of an enlightened and elevated public opinion. These, however, are exceptional cases. But why is this act offensive? It is not in the unwillingness on the part of the people of the free States to permit the rendition of a fugitive slave—not at all. There was no such feeling against the act of 1793. The cause lies deeper, and far beyond. It is in the conviction that this fugitive slave law comes in conflict with and uproots great fundamental principles, and assumes unwarrantable and dangerous powers. Is this so? Is this true? Examine the law. Does it not recognize an officer unknown to the Constitution? Does it not deny the trial by jury in the issue of liberty? Does it not set at defiance the sovereignty of the State? Does it not remand the fugitive at public cost? Does it not withhold the great writ of *habeas corpus?* I repeat again, examine the law. For this cause it is that this law has been arraigned and condemned by the people of the free States.

Here I might ask, why the necessity, and above all the policy, of such a law? What do the slave States wish? Is it not to reclaim their fugitive slaves? Beyond doubt. Obviously, then, true policy and true wisdom would suggest a law which, while effectual in its provisions, would not arouse feelings of opposition and prejudice. That would be true wisdom. But the dictates were disregarded. The slave States compelled the act of 1850. What has been the result? Has slave property become more secure? Has the slave ceased to escape? Has slavery improved under Federal protection? Assuredly not. Is not the reverse the fact? The fugitive slave act of 1850 has not accomplished its object. It has not obtained the approval of the free States of the Union. It cannot. Neither has it been of advantage to the slave States. And why? Because it has unfolded too often to the popular view the character and the requirements of slavery. That view has not been favorable. The institution of slavery cannot perpetuate itself by violent legislation. Extreme measures will beget extreme opposition. Who does not know this to be true? Slavery for its preservation re-

quires silence, unbroken silence. This the act of 1850 does not and cannot give. Therefore, in my opinion, while it cannot receive the commendation of the people of the free States, in its severity and its penalties, it is a fatal blow against the institution of slavery. Am I right? Is there no parallel in history? There is, sir. The Roman empire recognized slavery—had its fugitive slave law. By it every slave was required to wear a badge with the inscription "*jussione D. D. D. N. N. N., ne quis servum fugientum suscipiat.*" This was the decree of Theodosius Honorious and Arcadius, in the corrupt and declining days of the empire. What happened? Slavery declined under this fugitive slave law, and soon ceased to exist. Let gentlemen be forwarned. A similar fate may, in the councils of a just and overruling Providence, await the institution of slavery in the United States of America.

But to the main fact. It is said that the North has violated this law, and that its provisions have been disregarded. This may be true in a certain degree. Notwithstanding, I say that the law of 1850 has received an observance without parallel in the history of legislation. Look at the law. It is repulsive; it is obnoxious; it is odious to the people of the free States. It has no public sentiment to sustain it in those States. Yet, with some exceptional cases, it has been maintained and enforced. Do you point me to the State of Wisconsin? I ask you, in reply, do you deny the right of the judiciary of a State to decide the constitutionality of any law, or whether there shall be the right of appeal or not? You are foreclosed, by the action of the judiciary of your own States, from such a denial. Do you refer to cases of rescue? Is not their occurrence rare indeed? Is it to the action of northern courts and northern juries? Where, in what State, in what case, have they failed to discharge their duty? Is it to the personal liberty bills? Are not these the legitimate fruits of the act of 1850, imperiously demanded to protect the freedom of the citizens of the free States?

Sir, it is impossible to expect that any law will not in some manner be violated. We have laws, for the prevention of crime; yet are they not violated every day in every State of the Union? We have laws for the protection of property, and yet they have not always secured to property protection. Besides, in a popular Government, popular tumults are to be expected. Violations of law are to be deplored and deprecated; but they will occur—they cannot be avoided. However, if the violation of any law proceeds from the palpable injustice and oppression of the law itself, why not remove the cause of the violation by the repeal or amendment of the law? Is not this the better course? Why run into the face of public opinion? Is it not wiser to consult its tendencies and respect its grand and Godlike utterances? And why arraign the North? Is your record without blemish? Have there been no violations of laws in the South? Take the African slave trade laws; have they not been violated again and again? Is not the history of the Wanderer fresh in our recollections? Take the neutrality laws. Have gentlemen forgotten the expedition of Lopez, and its bloody conclusion without the walls of Havana? Have they forgotten the invasion of Nicaragua? But you say that these were the acts of individuals, for whom the South is not responsible. I admit it. I do not hold the entire South responsible for them. They are not. I only claim the same admission for the North in regard to the alleged violation of the fugitive slave law; and that when you reproach us your hands shall be clean of all offense.

I have now considered the peculiar rights of the South as to slavery under the Constitution. I ask now where are the aggressions upon southern rights? Where the wrongs and the outrages? They have no real existence whatever. But it is true that, if aggressions have been made, they have been made by the South, and not by the North. This is God's truth. How could it be otherwise? Who has had control of the Government? You, gentlemen. For almost thirty years you have had control. You have the control now. You have the Administration. You have the Supreme Court. You have the Senate, more august today than the Roman Senate when Cyneas pronounced it an assemblages of kings. You have the Federal offices, the Federal officials, and the Federal patronage. You have the Army, the Navy, the Treasury. The Vice President recently said:

"We stand in a good position. We have the Executive; we have the laws; we "have the courts; and that is a great advantage from where we stood ten years "ago."

How, then, could the rights of the South have suffered at the hands of the North? Will any one explain to me the *modus operandi*? No, the fact is just the contrary. Slavery is the aggressive element in this Government. It has, from the first, been the aggressive element. It has steadily advanced in power and influence. It has entered the judiciary, and reversed the decisions of the last hundred years. It holds at its will the Executive, and controls and directs the national Legislature. Vigilant, active, determined, it triumphs only to advance to newer fields and fiercer contests. I have

said slavery is the aggressive element in our political system. Is this true, or is it an unjust accusation? It is not unjust; and I rely with confidence on the legislative history of our Government to prove the truth of the assertion. What is that history? It is written in clear, unmistakable characters. Neither you nor I—neither the civilized world, nor posterity—can be deceived in its meaning. What has been done has not been hid in a corner. It has been before the open gaze of all mankind.

It is impossible for me at this time to speak of all the aggressions of the South. I shall not speak of the executive aggressions upon the right of the inhabitants of a distant Territory; neither of the judicial aggressions, as contained in the opinion of the Supreme Court; nor yet of the personal aggressions, in the expulsion of peaceful citizens from the limits of a sovereign State. But it is to the legislative aggressions I call attention. In the consideration of the legislative history of the country there are certain prominent and well-defined acts, ordinances, compromises, and official resolutions, which comprehend the entire subject of slavery. A careful examination of these will prove or disprove whether slavery is not aggressive in its character, and how far the original policy of the founders of the Government has been maintained or overthrown, and by what party this has been accomplished. The acts, compromises, and resolutions to which I refer are: first, the ordinance of 1787; second, the compromise of 1820; third, the compromise of 1850; fourth, the act of 1854; and fifth, the senatorial resolutions of 1860. I shall speak of them in their order.

What, then of the ordinance of 1787? What was its character? It was a grave deliberative act of the confederated States to regulate the government of the Territories acquired by cession from the States. What were its objects, its provisions, and its stipulations? This is the essential question. Herein we may ascertain what power or what party in this Government has advanced, attacked, and overthrown the true principles and the true policy of the Government as understood by its founders. I repeat, what was the ordinance of 1787? What great and salutary provision did it contain and embody? It was this: that wherever the power could be exercised, slavery ought to be excluded from the Territory. This was the solemn declaration against human servitude of those great statesmen and patriots who walked unhurt through the valley of the shadow of the Revolution. The advocacy of this principle was not confined to any particular State. It was the act of all the States. Neither was its advocacy confined to any particular individual of any particular State. Dean and Greason and Lee and Blount and Harring and Kean, all, all, from every confederated State, united in its adoption. It will not do to say that this ordinance was under the Confederation, and therefore, in its force and example, is of no value or authority. No, indeed. For after the Union was formed and the Constitution accepted, it received the unqualified sanction of the First Congress, and also of Washington This was the broad foundation which our fathers laid. This was the policy with which we began our national career. And what are the consequences of the adoption of that ordinance? Look at the States of the Northwest. Let Ohio, Indiana, Illinois, Michigan and Wisconsin answer. How wonderful the progress of fifty years! Already these States are empires, with millions of enlightened freemen upon their soil. Peaceful villages and proud cities crowd their plains; there industry, in all its varied forms, meets with its just reward; commerce whitens with its sails each inland sea; and, above all, popular education is the constitutional provision of each State. When I look upon this gorgeous ceiling, upon which are emblazoned the symbols of our national growth and power, my eye is met with the arms of Indiana, my own State. What does it represent? The vast, silent wilderness, receding beneath the hand of free labor; while just above the horizon is heralded the approaching day. How changed, since 1816! How changed within a lifetime! The wilderness has disappeared; transformed into the quiet homes of a generous, industrious, and Christian people; while over all, full-orbed in all its splendor, shines the sun of civilization. What has caused all this? To what is it attributable? In my opinion, to the just and beneficent policy of the founders of the Government, in the exclusion of slavery from the national territory in 1787.

But the gentleman from Mississippi denies that such was the policy of the revolutionary statesmen. He contends that the assertion is a grave error, and he brings forward Mississippi, when in the hands of the General Government, as a complete refutation. I think the gentleman was unfortunate in his illustration. The case of Mississippi will not disprove the fact. Why was not slavery excluded from that State? For a plain and sufficient reason. Because of the condition of the cession. What was that condition? It was, that slavery should not be excluded in the Territory of Mississippi. Georgia, and not the Congress of the United States, fixed the condition of that Territory. The condition was in these words:

"That the Territory thus ceded shall form a State, and be admitted as such into "the Union as soon as it shall contain sixty thousand free inhabitants, or at an ear-

"lier period, if Congress shall think expedient, on the same conditions and restric-
"tions, with the same privileges, and in the same manner, provided in the ordin-
"ance of Congrsss of the 13th of July, 1787, for the government of the western
"territory of the United States. Which ordinance shall in all its parts extend to
"the territory contained in the present act of cession, that article only excepted
"which forbids slavery."

The same condition was required by North Carolina in the cession of Tennessee, as follows:

"That the territory so ceded shall be laid out and formed into a State or States
"containing a suitable extent of territory, the inhabitants of which shall enjoy all
"the privileges, benefits and advantages set forth in the late Congress for the gov-
"ernment of the western territory of the United States: Provided always, That no
"regulation made, or to be made, by Congress shall tend to emancipate slavery."

Well, what was Congress to do? It had to take the Territory *cum onere*, or not at all. Congress could not accept the territory and reject the condition. Not so. It was compelled either to accept or reject. The necessities of the Government required the acceptance, and with it came slavery. But the gentleman said that by the act of 1798, the Government gave free and spontaneous consent that slaves might be carried and held in Mississippi as property. How is this? Free and spontaneous consent, indeed! What kind of free and spontaneous consent is that, when Congress had none to give? That consent was the express stipulation of another party. That other party was Georgia. Besides, slavery was an existing fact in the territory of Mississippi when it was ceded, and when it was organized. It was in this condition, and with this express limitation upon the action of Congress, that Mississippi was received by the United States. No, the gentleman himself is in an error. The fact stands, and it will stand forever, that when our national existence begun, the founders of the Republic believed they had the power, and felt it was their duty, to exclude slavery from all territory over which they had control and sovereignty. Is this the present policy of our Government now? Is it the recognized policy of the country? By one great party of the country it is; but by another, equally commanding, it is not even tolerated. Why is this? How has this happened? How came the original fountains changed into bitter waters? Let us see how the advocates of slavery have progressed from one position to another until they have reversed the entire action of the Government. Thirty years after the adoption of the Constitution, the slavery question was reopened, and became of momentous concern. The agitation came with the acquisition of a vast foreign territory. In the progress of time, and the development of events, the institution of slavery had become an element of power. The expectation so universal of its early extinction had not been realized. The rich possessions it appropriated in Mississippi, Alabama, and Tennessee, gave to slavery strength and importance. The acquisition of the Louisiana Territory gave to it additional opportunity for diffusion. That opportunity was not overlooked.

Well, sir, what next? I come now to 1820. I shall not enter into the details of that legislative period. It is historical. My object is different. It is to show that slavery is the aggressive element. What of the act of 1820? What was the concession to slavery under that act? That it was a triumph of slavery, is clear. That it was so regarded at the time, no one doubts. We have seen that, in the adoption of this ordinance of 1787, Congress claimed and exercised the power to exclude slavery from the whole territory then the subject of legislation. This power of Congress was not challenged in 1820. Indeed, the power was fully and broadly admitted; admitted by the Congress of 1820; admitted by the Administration and the Cabinet; admitted by the statesmen of that day—by Wirt and Gallatin and Thompson, Crawford, and John Quincy Adams, illustrious for his purity of character and transcendent intellect, but more illustrious and revered for his earnest and life-long devotion to the cause of human liberty. These statesmen were of the revolutionary mould. They all admitted the power in Congress to exclude slavery from the territory of the United States.

But to the consideration of the compromise of 1820. What was its peculiarity? What was the advantage which slavery obtained? Wherein was the departure from the original policy? In this. The Congress of the United States, in the exercise of its undoubted power, heretofore absolute and general, yielded and applied only a partial and limited restriction against slavery. Here was a point gained. It was a great and important concession. Far worse; it was a disastrous surrender. But was slavery satisfied? Not at all. Inspirited by success, and emboldened by power, slavery continued its progress. Already Mississippi and Alabama and Tennessee and Louisiana and Missouri were safe.

What next? After an interval of fifteen years, the compromise of 1820 was itself

violated. And why? To propitiate the demands of slavery. How? By an extension of the limits of the State of Missouri, whereby a large and fertile territory was converted from free to slave soil. Then came Arkansas. Then Texas. After this it was idle to indulge in the hope of the extinction of slavery in our day and generation. But again, in 1850 it became necessary to adjust slavery in another Territory, of which the United States had just despoiled Mexico. Slavery was no longer weak, but was able to dictate, and did dictate, the compromise of 1850. I think I do no injustice when I say that slavery had no valid claim, either upon Utah or New Mexico. Both were free before the treaty; why should their condition be changed or even endangered after the treaty? Slavery was forbidden in this territory by the law of Mexico. The territory should have remained in this condition. But the South refused assent. The result was the compromise of 1850. What was the gist of that compromise? Wherein did it differ from previous legislation? What progressive step was made by slavery? Sir, the compromise of 1850 was, in effect, the entire suspension of the power of Congress over slavery in the organization of the Territories of New Mexico and Utah. Did the South gain nothing in this? Did it not gain everything? I know that, in extenuation of the compromise, it was urged that slavery did not legally exist within the Territory. I know that it was urged that slavery was not likely to be introduced therein. I know that the power of Congress to exclude slavery therefrom was not materially denied. But, at the same time, I do know that the very doctrines which this day are the cause of so much alarm, and which so much threaten the peace of the Union, were then forshadowed. However, the compromise was accepted, and Congress voluntarily suspended its power over the Territory.

What followed? Slavery has been introduced into Utah, and is protected by territorial legislation in New Mexico.

Prior to this period it was almost universally held that slavery existed by virtue of the laws of the several States, and not otherwise. No one contended, or advocated the right of the inhabitants of a Territory, either to establish, regulate, or reject slavery during a territorial condition. It was for this reason that no immediate danger was apprehended for Utah and New Mexico. It was believed that, even if slavery was not excluded therefrom by Congress, yet, as the inhabitants therein had no power in themselves to legislate upon the subject, the Territory would remain in the same condition that it was when part of the Republic of Mexico—that is, free. This was the opinion of Mr. Clay. Such was the general opinion. Had it been otherwise, the people of the free States would never have been reconciled to the compromise of 1850. In this view the compromise was accepted; the agitation throughout the country was allayed; the era of good feeling was restored. President Pierce made the condition of public affairs a matter of congratulation in his annual message. He said:

"We are thus not only at peace with all foreign countries, but in regard to poli
"tical affairs are exempt from any cause of serious disquietude in our domestic re-
"lations. The controversies which have agitated the country heretofore are pass-
"ing away with the causes which produced them and the passions they had awak-
"ened; or if any trace of them remain, it may be reasonably hoped that it will only
"be perceived in the zealous rivalry of all good citizens to testify their respect for
"the rights of the States, their devotion to the Union, and their common determi-
"nation that each one of the States, its institutions and its domestic peace, shall be
"held alike secure under the sacred ægis of the Constitution."

This was the condition of the country in 1850. The compromise was to be a *finality*. That was the word, sir. But how long did this *finality* last? Not four years. In 1854 the country was again convulsed. We were again at sea, driven about by every wind of controversy. On the 24th day of May, 1854, the novel and extraordinary doctrine was advanced that the compromise of 1820 was inconsistent with the compromise of 1850, and therefore null and void. This was the proposition. But why not have reversed the proposition? Would it not have been better to have declared that, as the compromise of 1850 was not in accordance with the compromise of 1820, that it should be annulled? Ought not the compromise of 1820 to have been preferred? I think so. It has stood for thirty years. It had priority of claim; and, besides, the North and the South had alike partaken of its benefits. But wherein is the inconsistency? In what respect, and how far? Gentlemen say that the compromise of 1820 was inconsistent with the principle of non-intervention; that this was the principle established in 1850. Now, I deny that there was any legislation or any principle established whatever in 1850 in regard to slavery in the Territories of Utah and New Mexico. All legislation was deemed inexpedient. The following resolution of Mr. Clay demonstrates the fact:

"*Resolved*, That, as slavery does not exist by law, and is not likely to be intro-
"duced into any of the territory acquired by the United State from Mexico, it is in-

"expedient for Congress to provide by law either for its introduction into, or ex-
"clusion from, any part of the said territory; and that appropriate territorial govern-
"ments ought to be established by Congress in all the said territory not assigned
"as the boundaries of the proposed States of California, without the adoption of
"any restriction or condition on the subject of slavery."

Appropriate territorial governments were established by Congress, based upon this resolution. Congress neither affirmed nor relinquished the power to exclude slavery. That power remained suspended.

Then, as there was no legislation whatever by Congress, and no principle established, how can it be contended that the compromises were so inconsistent with each other, that both could not stand, and especially so when the action of Congress in both cases was upon separate and distinct territory, and at separate and distinct periods?

But what did the Kansas-Nebraska act propose to do? In what manner did it reconcile the alleged inconsistency? In a strange and most incomprehensible manner—by an absolute denial of the power of Congress to exclude slavery in the Territory. This neither the compromise of 1820 nor the compromise of 1850 questioned. In fact, then, the Kansas-Nebraska act is inconsistent with all previous legislation and compromises. To this position slavery advanced in 1854. Here was another progressive step. But to whom was the power over the question of slavery transferred by the Kansas-Nebraska act, and when was it to be exercised? I know, a difference of opinion has arisen between the supporters of the bill as to this point. The gentleman from Virginia [Mr. PRYOR] frankly admitted the fact when he acknowledged that it "was susceptible of a various reading." The people of the United States have become somewhat conscious of the same fact. Indeed, sir, there is a suspicion that it was intentional on the part of its framers.

I agree, also, with the gentleman from Virginia [Mr. PRYOR] in his statement of the difference. It was this:

"We of the South said that the principle of the bill was that the people of a Ter-
"ritory might determine the question of slavery in the exercise of State sovereignty
"and in the act organizing a State government. Others"—

That is, the Senator from Illinois and his friends—

"Others maintain that the principle of the bill recognized the right of the people,
"by an act of territorial legislation, to determine the question of slavery. It is a
"palpable, important, and, I apprehend, irreparable difference of opinion."

Well, sir, I believe the construction of the South was right, whether contained in the bill or not. In my opinion, the proper period for the determination of the question of slavery in a Territory is at the time of the adoption of their State constitution—not before. Before that time, while the territorial condition remains, the exclusive power over that question is in the Congress of the United States, and nowhere else.

But I deny that the bill conferred on the inhabitants of the Territory any such power. It is not in the bill. Where is the grant? The friends of the bill say that it is contained in the fourteenth section:

"It being the true intent and meaning of this act neither to legislate slavery into
"any Territory or State, but to leave the people thereof perfectly free to form and
"regulate their own domestic institutions in their own way; subject only to the Con-
"stitution of the United States."

Sir, this is no grant of power to the inhabitants of the Territory during a territorial condition. No time whatever is expressed for the exercise of legislation. It is a general, vague, indefinite expression, liable to various interpretations. It is true, it declares that the people of any Territory are to be left perfectly free to form and regulate their own institutions; but when? at what time? in what manner? While a Territory? or by territorial legislation? The bill says no such thing. But elswhere in the bill, in the first section, the time and the manner are specified. It is in the formation of their State constitution, preparatory to admission into the Union, by the inhabitants of the Territory. That is the time, according to the Kansas-Nebraska bill. And why is not this the proper period? Before that time, what are the political rights of the inhabitants of a Territory? Are they the same with those of the people of a State? Not at all. They have no Federal rights or advantages. They are not even citizens of the United States; they are not even a people; they are *inhabitants*, and nothing more. The inhabitants of a Territory are virtually disfranchised. Disfranchised as to the President; disfranchised as to Vice President; disfranchised as to Governor; disfranchised as to Representative in Congress, and disfranchised as to their own judiciary. What, then, is their condition? Is it that of sovereignty? No, sir. It is a condition of dependency upon the General Government. The assumption of territorial sovereignty is wholly unwarrantable. It is without precedent.

From whence is derived this idea of territorial sovereignty? Is it in the inherent

right of selfgovernment in the inhabitants of a Territory? If so, then the whole policy of the Federal Government therefore has been one of wrong and injustice to the inhabitants of the Territories. On the contrary, the relation has been one of protection, encouragement, and justice. If so, then the Kansas-Nebraska bill itself ought to be repealed, for it is a standing denial of its great fundamental right. Neither do the inhabitants of a Territory derive their political rights from the States in their separate and independent sovereignty. For then, as one State would have the same right and power to control the Territory as another State, a contest would arise between the States as to the character and extent of their respective authority. Then, as neither the inhabitants of a Territory nor of the States, independently of each other, have power over any Territory for its government, where does the power exist? Without doubt, in the Congress of the United States. That Congress is a safe depository of such power, let the twenty States admitted into the Union under the exercise by Congress of such power testify. Should it then be withdrawn? Is it safer in the hands of the inhabitants of a Territory? Will it be more prudently and wisely used? It is my clear conviction that such a concession of power to the inhabitants would be both unwise and unsafe. Therefore, I cannot support the proposition of the honorable gentleman from Illinois, [Mr. KELLOGG,] to confer on the inhabitants of a Territory the right to elect their territorial officers. I am not yet prepared to elevate a Territory to an equality with a State, without the burdens of a State. I cannot, and will not, for any reason yet advanced, abandon the early policy of the Government.

But, if I can discern and understand the course of events, I shall be relieved in this respect. Territorial sovereignty soon will be, as it ought to be, abandoned and repudiated.

But one other position of the South remains to be considered. This last and extreme position was thus announced to the country by the President in his annual message:

"The right has been established of every citizen to take his property of any kind, "including slaves, into the common Territories belonging equally to all the States "of the Confederacy, and have it protected there under the Federal Constitution. "Neither Congress, nor a Territorial Legislature, nor any human power, has any "authority to annul or impair this vested right."

Again in the resolutions of the honorable Senator from Mississippi, [Mr. DAVIS,] I find this position announced and affirmed. The resolution is in these words:

"*Resolved*, That neither Congress or a Territorial Legislature, whether by direct "legislation or legislation of an indirect and unfriendly nature, possess the power to "annul or impair the constitutional rights of any citizens of the United States, to "take his slave property into the common Territories, but it is the duty of the terri-"torial government there to afford for that, as for every other species of property, the "needful protection; and if experience should, at any time, prove that the judiciary "does not possess every power to insure adequate protection, it will then be the "duty of Congress to supply such deficiency."

To this position the advocates of slavery have at length reached.

I have endeavored to show the successive steps by which this point has been attained, and the whole policy of the Government reversed. I have shown that in the earlier days of the Republic the power in Congress was conceded, and the policy approved, of the entire exclusion of slavery from the Territory of the United States; that in 1820 the exercise of the power was limited and partial; that in 1850 the power was wholly and voluntarily suspended; that in 1854 it was denied; and that now, in 1860, the power in Congress to legislate upon slavery is reaffirmed, but for a distinct and different object—that object the protection of slavery in all the Territories. That the change has been gradual, is true. Had it been sudden, the public mind would have been alarmed. Nevertheless, the change has been as sure as it had been gradual; until now it is even regarded with complacency. The issue, then, is broad and irreconcilable between the two contending parties in the United States. There can be no issue of greater magnitude. With a national domain of vast extent, and resources unparalleled, it is not impossible that even all of us may see the day when the States of this Union may exceed twofold their present number. In the formation of those new communities, and in the organization of those new States, this question will have an enduring and momentous influence. Then it is our duty to investigate, and wisely and prudently decide the issue.

Sir, where does this issue arise? Not in Spain, nor yet in Austria; but in the United States of America. After eighty years as a Government, with a history not obscured or darkened by despotism, and our influence throughout the world as yet unimpaired, it certainly is a strange theater for the consideration of the question of protection to slavery. If those illustrious men by whom this Government was founded could arise

from their silent, and almost forgotten, graves, would they not exclaim, "What does all this mean? Is this Republic, which we established in justice and freedom, become the instrument of injustice and slavery? Have you, our descendants, become more arbitrary than they from whom you and us were freed? Is this the end of all our struggles and sacrifices?" How could we respond, except in shame? But, the question of protection of slavery is before us, and cannot be avoided. It presents itself for investigation, examination, discussion, and decision. Besides, it is our right to investigate these questions. Twenty millions of people, interested in the general welfare of the whole country, and participants of its blessings or its evils, have an undoubted right to consider with the other nine millions, what institutions shall be encouraged and protected by the Federal Government. This will not be denied; or, if denied, it cannot be prevented. The right to consider and determine all our political questions belongs to the American people. The privilege is freely conceded to every one, everywhere, to examine the system of the free States of the Union. There it is; look for yourselves! If it has evils, prove them. If it has dangers, proclaim them. If it is a system of weakness, let it be circumscribed. If wise and beneficent, let it have full sway. We claim the same privilege to examine the system of the slave States; and now, more than ever before, when protection is demanded for slavery from the Federal Government. Let each system be placed before the people for their decision, and the right prevail. And it will prevail! "For who knows not that truth is strong, next to the Almighty; She needs no policies, nor stratagems, nor licensing, to make her victorious. These are the shafts and defenses that error uses against her power."

But before protection can be accorded to slavery, one thing must be accomplished by its advocates. The people of the eighteen free States must be convinced, as you claim to be convinced, that slavery is the just, proper, and natural relation between the two races. This is not their opinion. They believe its very existence is unnatural and wrongful. This opinion they received from the early statesmen, the worthies of the Revolution, whose lips were touched with a live coal from off the altar of national independence. Then, when asked to give protection to slavery, will they not reply: "What, would you have us extend an evil; would you have us perpetuate a wrong; would you have us justify slavery before the world?" Therefore this opinion must be eradicated. Can it be done? I think not. It is an impossibility. Sir, let us not deceive ourselves. That ever the twenty millions of freemen who inhabit the free States of the American Union will regard slavery as just and right in itself, I do not believe. Their judgment has been carefully formed. It cannot be changed. Why should it be changed? It is the judgment of the civilized world. But what is now demanded? That all this shall be reversed; that slavery shall be accepted and approved; that we shall reject all the indignant testimony against it by the illustrious men who have moulded and directed the destinies of mankind—ornaments of church, State, science, philosophy, and literature; of Luther and Wesley; of Pitt, Wilberforce, and Brougham; of Washington, Jefferson, and Clay; of Humboldt and Franklin, each mourned by two continents; of Locke, the profoundest intellect of his day; of Mansfield and Jay; and of Milton, the defender of the Commonwealth of England. And for what is all this to be done? For what are we called upon to shut our eyes and close our ears against this array of testimony? to hide ourselves in the twilight, when, streaming all around us, is the light of two hundred years of progress and civilization? For what? To protect slavery.

Mr. Chairman, it may be possible that the fact which has overtaken so many systems of government is about to reach us in its course. The American Republic may be in its decline. That decline can be arrested. But adopt this policy, ingraft it in all futher legislation, and then this Union will perish. No human power can prevent its overthrow and dissolution.

But let us investigate this demand for the protection of slavery. It is, indeed, not of recent origin, although it has asssumed a graver aspect than when first announced. It was in the year 1847, in the Senate of the United States, when the amendment of Senator Walker, of Wisconsin, was made to the general appropriatin bill, providing a government for the Territories of Utah, Callifornia, and New Mexico, the doctrine was first announced. The proposition was to extend, by direct legislation, the Constitution of the United States over those Territories, and thereby establish the precedent for a similar extension on all future Territories. The proposition received the unqualified support of Mr. Calhoun—indeed, it was his scheme; but it was met at once, and its fallacy exposed by Mr. Webster. In the course of the debate he established, beyond refutation, that the Constitution was not made for Territories, but for States; and that, in no event, could it go into operation, not even in the States, without an act of Congress to carry out its provisions. The extension of the Constitution to the Territories, in 1847, was rejected by Congress; but in 1854, in the Kansas-Nebraska bill,

the attempt succeeded, By direct legislation of Congress in that bill the Constitution was extended to those Territories. Having accomplished so much, the transition was not difficult to the new and startling doctrine of 1860, that the Constitution of the United States, without any legislation by Congress, in *proprio vigore*, extends to all the Territories, and protects, in its extension, the institution of slavery. Sir, it is a startling doctrine. What is the Constitution of the United States? Is it not a mere affirmation of general principles? How are these general principles to be enforced? How can they be, except by direct legislation? In no other way can the Constitution be even enforced in the States.

By whom was the Constitution made? By the people of the United States; and all of its provisions are for the States, and not for the Territories. If the Constitution of the United States extends itself to Territories, does it not also to States? And if it protects persons and property in the Territories, does it not also protect persons and property in the States? If it carries slavery by its own virtue in the Territories, has it not the same inherent power in the States? If this be true, is not slavery universal? Can State sovereignty protect the States? No; for the Constitution of the United States is in the supreme law of the land; and the judges in every State are bound by the Constitution, anything in their own State laws, or State constitution, to the contrary notwithstanding. Is not this a constitutional provision? The sixth article of the Constitution is as follows:

"This Constitution, and the laws of the United States, which shall be made in "pursuance thereof, and all treaties made, or which shall be made, under the author-"ity of the United States, shall be the supreme law of the land; and the judges in "every State shall be bound thereby, anything in the constitution or laws of any "State to the contrary notwithstanding."

But again; it is claimed by the honorable gentleman from Alabama, [Mr. CLAY] that the right of protection is affirmed, and slavery discriminated in favor of, in the Constitution of the United States, in express terms. Where in the Constitution is this discrimination? Where is this affirmation? In what section? In what article? Will gentlemen point them out? Is there one word in the Constitution that will authorize the assumption? Is the right of protection contained in the section relative to persons owing labor or service? No, sir. That section speaks of persons owing labor or service. How? Under the Constitution? No, but under the laws of the several slave States. Is it in the section by which representation is apportioned among the several States? Here, again, the Constitution speaks only of persons—"three fifths of all other persons." But it is claimed that these persons were slaves. This I admit; they were slaves, but not by virtue of the Constitution of the United States. The framers of the Constitution did not so understand that instrument. On the contrary, Mr. Madison said that he thought it wrong to admit in the Constitution the idea that there could be property in man. But once more; is the right of protection affirmed in the section by which the African slave trade was not prohibited until 1808? Look to the language of that section. It does not refer to slaves, or slave property, but to the importation of persons. These persons were not slaves in their own country; or if so, it was a slavery not known or recognized by the Constitution of the United States, or laws of any State. They were not slaves upon the high sea. They were restrained of their liberty, it is true; but how? By the authority of the United States? Not so. But by violence. When did they become slaves? It was when they were under the laws of the States in which slavery existed. By those laws they became slaves, and in no other way. This is plain, palpable, and undeniable.

But I regard this section as a direct blow at slavery. Before and at the time of the formation of the Constitution the African slave trade was in active operation. There was no restrictive law against its continuance. Had no Union been formed, the States being independent of each other, could have continued that trade as long as their interests demanded or their humanity assented, unless restrained sooner by the united action of other nations. It was in this condition the framers of the Constitution encountered the question. What did they do? They refused permission to the new States to engage in the African slave trade. They provided that it should cease after twenty years; at which time it did cease by an act of Congress, declaring its further continuance a high crime.

These are all the provisions of the Constitution having a direct reference to the institution of slavery. If the power of Congress to protect slavery cannot be found therein, it does not exist. It is certain that no direct power is given. Is it, then, implied? If so, it must be from the sections of the Constitution to which I have referred. What an implication! What an unjust reflection upon the wise and prudent framers of the Constitution! What is the declaration now? It is, that the system of slavery

is an essential and proper element in the organization of new States; and so essential and so proper that all the powers of the judicial, the executive, and the legislative departments of Government shall be exercised to protect and defend this system. Sir, I cannot conceive that the Constitution of the United States was established for any such purpose. What were its objects?

"*To form a more perfect union.*" Are not the bonds of the Union this day weakened by the existence of slavery?

"*To establish justice.*" Before what tribunal, in which human rights are determined, can slavery assert or maintain its cause?

"*To insure domestic tranquility.*" Is not slavery an element of discord and distrust?

"*To promote the general welfare.*" Can this be accomplished by the enslavement of a race?

"*To insure the blessings of liberty to ourselves and our posterity.*" This is its crowning glory.

Sir, these are the objects of the Constitution. That they are wise and commendable objects, we all comprehend and feel. That in our day and generation we should endeavor to strengthen and advance them, all will acknowledge; and so feeling and so acknowledging, I firmly believe that no greater wrong could be perpetrated against each and all of these objects, than to extend—much less to protect—the institution of slavery in the Territories of the United States. But it is urged by the honorable gentleman from Alabama [Mr. CURRY] that the Federal Government is bound to recognize as property whatever is recognized as such in the States. This is a strange proposition. It is untenable. My respect for the gentleman only prevents me from saying it is absurd. What! the General Government compelled to enforce the laws of a State in regard to property? Into what perplexities would this lead the Government? What is property? It is not universal in its character. It is not general. That which is property in one State, is a living, breathing man in another State. The possession of certain property in some of the States is an indictable offense; while in other States it is lawful, and has a legal value. Conventional property depends upon legislation. The legislation of the States differ. When they differ, which State law shall the Federal Government recognize? Which shall have the preference? Sir, the thing is impossible. The local laws of a State cannot be transferred into a Territory. They are confined to the State. Otherwise, what would be the condition of the laws of the Territories? Deplorable, indeed. There are fifteen slave States. Each of these States has its own legislation as to slavery. They differ, and materially differ. Shall all this legislation—State legislation—be carried into the Territory? The right of one slave State to have its laws recognized, is equal to the right of any other slave State. What would you then have? What but fifteen slave States, each demanding that its peculiar laws should be recognized? What more absurd doctrine than this could be broached? In the consideration of this very question in the Dred Scott case, Justice McLean said:

"Will it be said that the slave is taken as property, the same as other property
" the master may own? To this I answer, that colored persons are made property
" by the law of the State, and no such power has been given to Congress. Does
" the master carry with him the law of the State from which he removes into the
" Territory; and does that enable him to coerce his slave in the Territory? Let us
" test this theory. If this may be done by a master from one slave State, it may be
" done by a master of every other slave State. This right is supposed to be con-
" nected with the person of the master, by virtue of the local law. Is it transfera-
" ble? May it be negotiated as a promissory note or bill of exchange? If it be
" assigned from a free State, may he coerce the slave by virtue of it? What shall
" this thing be denominated? Is it personal or real property? Or is it an indefin-
" able fragment of sovereignty, which every person carries with him from his later
" domicil? One thing is certain, that its origin has been very recent, and it is un-
" known to the laws of any civilized country."

And in the same case, Justice Curtis, in his opinion, was equally clear and explicit. Said the Justice:

"It is conceivable that the Constitution has conferred the right on every citizen
" to become a resident in the territory of the United States with his slaves, and
" there hold them as such; but has neither made or provided for any municipal re-
" gulations which are essential to the existence of slavery. Is it not more rational
" to suppose that they who framed and adopted the Constitution were aware that
" persons held to service under the laws of a State are property only to the extent
" and under the conditions fixed by those laws; that they must cease to be avail-
" able as property when their owners voluntarily place them permanently within
" another jurisdiction, where no municipal laws on the subject of slavery exist?—

"Moreover, if the right exists, what are its limits and what are its conditions? If "citizens of the United States have the right to take their slaves to a Territory, and "hold them as slaves, without regard to the laws of the Territory, I suppose this "right is not to be restricted to the citizens of the slaveholding States. A citizen "of a State which does not tolerate slavery can hardly be denied the power of do-"ing the same thing. And what law of slavery does either take with him to the "Territory? If it be said to be those laws respecting slavery which existed in the "particular State from which each slave last came, what an anomaly is this. Where "else can we find, under the law of any civilized country, the power to introduce "and permanently continue diverse systems of foreign municipal law for holding "persons in slavery."

But where is this doctrine to end? If it is the duty of Congress to recognize and to give force and effect to one State law, why not to all other State laws? Can one be admitted, and all others excluded? That would be an unjust discrimination. Does not the Constitution recognize the rights of persons in a higher degree than property? Do not, also the laws of the States? Shall not the thirty-three States of the Union have their laws in respect to the rights and privileges of persons recognized and protected by the Federal Government? Is not the reasoning just as good in the one as in the other case? Are gentlemen ready to take the consequences of their doctrine? Let us see how it would work. The State of Massachusetts, under certain restrictions, extends to negroes the right of suffrage. Why should not Congress protect this right of the citizen of Massachusetts? The Territories are common property. Massachusetts has the same interest in their organization and their institutions as Alabama. This will not be denied. But, to proceed: under the protection of State sovereignty, the citizens of Alabama, with his property, proceeds to the common territory. Beneath the shield of the sovereignty of Massachusetts, her citizen also proceeds to occupy the same Territory. Each bear with them their State laws. They both meet, and enter the Territory at the same time. Standing upon the common soil, the citizens of Alabama, pointing to his slave, says: "This is my property. He is my property under the laws of Alabama. I claim the protection of the General Government." To which the citizen of Massachusetts would respond: "I claim citizenship here. I claim the right, as one individual, to determine the political systems and institutions of this Territory. I claim this right under the sovereignty and laws of Massachusetts, and I demand the protection and recognition of the Federal Government." Here is a dilemma. The subject of controversy is a negro in either case. In what manner shall the point be settled? What is the Federal Government to do? Both States are equal and both sovereign, under the Constitution. It is possible, in the determination of the point of difference, Congress would consider for what purposes that Government was formed. If so, Congress would soon perceive that the rights of persons are of a higher character than the rights of property. It is possible that Congress would deem it wise to understand what Marshall and Story said as to the relation between the States and the Federal Government. If so, the path of duty would be clear. Congress would dismiss the States each to their own sovereignty, within their own limits, under a common constitution.

But the gentleman from Alabama [Mr. CURRY] also urged that the treaty of 1783, between Great Britain and the United States, recognized property in negroes. Well, what of the treaty of 1783? It was not made under the Constitution. It was made with the States. If, then, there is any recognition of property in negroes in this treaty, does it not refer to the laws of the domicil from which the negro was carried? It must be so. It could not be otherwise. There was then no Constitution of the United States, and was not until five years afterwards. But the gentleman says that when the Constitution was adopted, the treaty was made the supreme law of the land. This is true. But it is also true that the Constitution, and the laws of the United States, as well as the treaty, were also made the supreme law of the land. If thereby "property in negroes" was recognized, by the same reason it is recognized by the Constitution; and if in the Constitution, then "property in negroes" is as valid in the free as in the slave States, notwithstanding anything contained in the constitutions of the free States. The argument of the gentleman goes too far; it makes slavery national. It destroys the sovereignty of the State.

But, the gentleman overlooked another and a later treaty, to which I now call his attention. It is the treaty of Ghent, made in 1814. It was made by the authority of the United States, and is also the supreme law of the land. Is the gentleman ready to accept its conditions, and carry out its stipulations? Is he ready to declare that the traffic in slaves—not the African slave traffic, not the coastwise traffic; but the "traffic in slaves"—is irreconcilable with the principles of humanity and justice? Is he desirous to promote its entire abolition? Will he use his best endeavors to promote so desirable an object? I imagine not. Yet this the treaty of Ghent did. I commend to

the attention of the gentleman, not *one*, but all the treaties of the United States, before he claims from that source the recognition and protection of slavery.

But the gentleman at length interposes the opinion of the Supreme Court of the United States. Sir, I am no assailant of the Supreme Court. While it acts within its sphere, as a co-ordinate department of the Government, its decisions are entitled to respect; when it goes beyond and outside its proper and constitutional sphere, then I deny its right to control my action or command my obedience. The Supreme Court of the United States may do as other courts have done—assume to itself dangerous powers and privileges. It then becomes an instrument of oppression, and not a tribunal of justice. In its late attempt to arrogate to itself the powers of Congress, and to assume legislative authority and the decision of political questions, the Supreme Court has not commended itself to the confidence of the people of the United States. What the Supreme Court has decided is involved in doubt. What it will decide, should a case arise, is only too certain. That it would decide in favor of the interests and protection of slavery, is universally conceded. When, beyond controversy, such a decision should occur, then our duty only becomes the more our imperative duty, in every constitutional method, to obtain a reversal of such a decision. With justice and right upon our side, an appeal to the judgment of the people of the United States will not be in vain; and the time may speedily come when we shall have supreme judges who shall once more adorn the Supreme Court with the wisdom of Marshall, the learning of Story, and the purity of Jay.

Then I take it for granted that neither the Constitution of the United States nor the treaties with foreign Powers authorize and compel the protection of slavery. But, we are informed by the senatorial resolutions that there is a period when the question of slavery may be decided upon in the Territories. What time is that? Is it when the inhabitants of the Territory form their State constitution? But what is this privilege worth if slavery is permitted to enter the Territory, and have protection therein during the territorial condition? It is worth nothing. Is it not an admitted fact that if slavery is introduced into a Territory, the natural and necessary result will be a slave State? Has not the character of every State in the Union been determined by its condition while a Territory? But if slavery is not only introduced, but protected, will not a free State become an impossibility? How could slavery be excluded? By what process? It cannot be done. The legislation, the social customs, and the population would all be in the interest of slavery. Is it not wiser to restrict slavery at once by the sovereign power of Congress? Why extend and protect slavery, and then trust to the doubtful experiment of its exclusion? Sir, let us be admonished by the exclamation of a member of the English House of Commons, when the bill for the exclusion of James II. was pending:

> "I hear a lion in the lobby roar;
> Say, Mr. Speaker, shall we shut the door,
> And keep him there; or let him in,
> To try if we can get him out again?

This doctrine of protection of human slavery cannot be considered too carefully. It means that all new States shall be slave States. It can mean nothing else. What a grasp at power! It reaches at once from the British possessions to the Gulf of Mexico. One question remains. Will the American people sustain this doctrine? Will it meet with their sanction and approval? That it is now sustained and approved by the Democracy of the South, admits of no doubt. That it will be the creed of the Democratic party everywhere, North and South, is certain and unavoidable. Whatever resolutions may be passed in conventions, Legislatures, or States, this doctrine in the Democratic party underlies them all, and will supplant them all.

Mr. Chairman, I must close. In the decision of this great question of slavery, I know that there are difficulties in the way; influences to be dissipated, and prejudices to be overcome. But still, it is no longer a question of compromises. They cannot any longer prove acceptable. We may adjust and readjust; but the wounds inflicted in sectional strife will only reopen to bleed again. The people wish a final settlement. If slavery is right, then is the South right; and all her demands should be cheerfully accorded. If slavery is wrong, it will go down and perish forever. Not all the obligations of the Constitution, rigidly enforced and strictly obeyed, can perpetuate it. The fugitive slave law cannot; the slave representation cannot; the Federal Government cannot. No, sir, no one, nor all of these combined, will be sufficient against the continued inroads of an adverse public sentiment—southern as well as northern public sentiment. This is my opinion. Do you ask, how is this question to be met? I answer in the Territories, by the sovereign power of Congress. In the States, how? By invasion? no; by insurrection? no; by servile war? no; but by the solemn act of the people of the slave States, and by that act alone.

In the great struggle now approaching, the Republican party stands the represents-

tive of freedom in the Territories. That it will be faithful to its trust, is my conviction. There it will stand—immovably stand—neither to be deterred by threats nor awed by menaces. With Mirabeau, the Republican party believes that privileges shall have an end; the people is eternal. And if successful, no matter with whom, it will administer this Government with all the powers of the Government. Would this be a cause for the dissolution of the Union? No, sir. What means a dissolution of the Union? It means the overthrow of the Constitution of the United States, to end in war—civil, fratricidal war. It is folly, it is madness, to think of secession. I will not contemplate such an issue. I stand this day, and will forever stand, for the Union—the Union and the Constitution of 1787. I know too well its value to throw it aside. I know that our safety as a people depends upon its preservation. I know that from a few feeble States we have, under its guidance, grown in strength and increased in power, until now we present the noblest structure of liberty that has ever blessed mankind. Not in all the Governments that now exist, nor yet in all that have existed and disappeared since the ages passed over the world, can be found its parallel. Then it is our duty, our solemn duty, to protect and defend it from all attack; so that the millions of freemen who shall come hereafter may, in the full enjoyment of all its heightened blessings and glories, exclaim, as we do to day, "the Union, the Union, in any event!"

Mr. Chairman, I desire to have read, from the Clerk's desk, the following resolutions taken from the Washington Union, which I have obtained from the Congressional Library.

The Clerk read, as follows:

"INDIANA DEMOCRATIC CLUB.—The citizens of Indiana, temporarily residing in the city of Washington, have revived the organization which was in existence during the presidential contest of 1856, and which did so much efficient service for the Democratic cause in that campaign. The reorganization now, is to promote the same general objects, and we have no doubt that like good results will be accomplished. The following is a list of the members:

"Hon. Finley Bigger, president; Hon. Thomas A. Hendrick, Chauncey Adams, R. H. Bigger, Dr. A. G. Browning, John M. Caldwell, R. S. Davis, Jesse L. Davis, Alexander Dodge, S. G. Dodge, John Dowling, F. D. Dowling, Oliver Dufour, Cortez Ewing, Carey Gwinne, Peter H. Hale, S. R. Howell, Samuel J. Johnson, Charles T. Jones, Daniel Radebaugh, Theodore Read, James H. Robinson, Jr., William F. Sherrod, George L. Stiles, D. H. Slater, B. F. Slocum, Thomas M. Smith, R. S. Stone, George G. Thatcher, W. G. Whitlesey.

"The following resolutions on the political questions of the day have been adopted by the association:

"*Resolved*, That we cordially indorse and approve the President's inaugural adress; his letter to Professor Silliman; his annual message to Congress, and his late special message concerning Kansas affairs; and *disapprove* and *condemn* the assaults which have been made upon his Administration touching his Kansas policy, as ill timed, unwise, and mischievous.

"*Resolved*, That, as Indianians and Democrats, we repudiate the new doctrine, that the submission of a constitution to the direct vote of the people at the ballot-box is vital to the admission of a Territory as a State into this Union. On the contrary, we contend that Indiana, which came into the Union with a constitution not submitted to the people, is a State as fully and legally as those few States which submitted their constitutions to the people preparatory to their admission; and what we claim for Indiana, we are willing to concede to Kansas.

"*Resolved*, That while we regret that the constitutional convention which met at Lecompton, and there framed a constitution for Kansas, did not submit that instrument to a direct vote of the people; yet, as neither the Constitution of the United States, the Kansas-Nebraska act, nor the precedents in our history as a nation, require such a submission as a prerequisite to the admission of new States, it would be an unwarrantable assumption of power on the part of Congress, and a violation of the Kansas-Nebraska act, to deny admission to the State of Kansas on this ground."—*Washington Union, February* 18, 1858.

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